

**Board of Chiropractic Examiners**

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# Advertising Guidelines For Doctors of Chiropractic

## The Law

Section 651 of the California Business and Professions Code (B&P Code) and sections 302, 311, 317, and 319 of Title 16 of the California Code of Regulations (CCR) address issues of advertising. Each year, the Board receives numerous complaints regarding advertising by chiropractors, as well as requests for clarification of the law. The information contained herein is intended to serve as guidelines to assist chiropractors in understanding the law. Not all circumstances are covered by this fact sheet, and complaints are reviewed on a case-by-case basis.

**NOTE: Chiropractors who violate B&P Code section 651 are guilty of a misdemeanor, and may be subject to license denial, revocation or suspension, or other disciplinary action as deemed appropriate.**

## Advertising and Public Communication Defined

B & P Code section 651 states that “public communication” includes, but is not limited to: television, radio, motion picture, newspaper, book, list, or directory and that this includes business cards, announcement cards, office signs, letterhead, telephone directory listings, professional lists, professional directory listings, and similar professional notices.

## Prohibited Under B & P Code Section 651

- Advertising or public communication which is a false, fraudulent, misleading, or deceptive statement.

## Prohibited Under the Regulations

- Advertising which contains misstatements, falsehoods, misrepresentations, distorted, sensational or fabulous statements, or which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons. [Section 311]
- A chiropractor may not use false or misleading advertising. [Section 317(p)]
- A chiropractor may not use the term “physical therapy” in advertising unless he or she holds a physical therapy license. [Section 302(a)(7)]

- A chiropractor may not advertise the substitution of a spinal manipulation for vaccination. [Section 317(x)]
- No separate charge may be made for the professional evaluation of diagnostic tests or procedures which are advertised as provided free or without cost, or at a discount, whether such professional evaluation is made at the time of the initial office visit or at any later time. [Section 319]

### **Required Under B&P Code Section 651**

- Price advertising must be exact, without the use of phrases like as low as and up, lowest prices or similar words or phrases.
- Any advertisement using words of comparison must be based upon verifiable data substantiating the comparison.
- Price advertisements must be exact, and prices for each product or service must be clearly identifiable.
- Prices advertised for products must include charges for related professional services, unless the advertisement clearly states otherwise.
- Licensees may not compensate or give anything of value to a representative of the press, radio, television, or other communication medium for professional publicity unless the fact of compensation is made known in the publicity.

### **Advertising Permitted Under CCR Section 319**

- Licensees may advertise that they will perform certain designated routine professional services free or at a discount, as long as the advertised claims are truthful. However, no charge may be made for any other professional services rendered or commodities provided to a patient during any office visit in which free or discounted services are offered or provided, unless prior to accrual of such charges, the patient is informed of the cost of the additional services or products and agrees to pay for them

### **Advertising Content Permitted, But Not Required Under B&P Code Section 651**

- Name of the chiropractor and address and telephone number of his/her office.
- Office hours.
- Statement of languages, other than English, fluently spoken by the licensed chiropractor or another person in his/her office.
- Statement that the chiropractor is certified by a private or public board or agency, including the Chiropractic Board.
- Statement that the chiropractor provides services under a specified private or public insurance or health care plan.
- Statement of names of schools and training programs from which the chiropractor has graduated, together with the degrees received from those schools or programs.
- Statement of publications authored by the chiropractor.

- Statement of teaching positions currently or formerly held by the chiropractor, together with pertinent dates.
- Statement of affiliations with hospitals or clinics.
- Statement of charges or fees for services or commodities offered by the chiropractor.
- Statement that installment fee payments are regularly accepted.
- Otherwise lawful photos or drawings of the chiropractor or his/her office.
- Statement providing public health information encouraging preventative or corrective care.
- Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.

## **Applying the Law**

### **Price Advertising**

- B&P Code section 651 requires that price advertising must be exact; that is, any conditions or other variables to an advertised price must be disclosed.
- B&P Code section 651 requires that statements of comparison be based upon verifiable data. In price advertising, a sale price is a comparison with the regular price. Thus, whenever a sale price is questioned, the chiropractor must be able to provide data verifying the price break as compared with the regular price.
- Advertising a discount is not illegal unless it is misleading or false.

### **Business Names**

- Business names should not be so broad as to connote treatment and services outside the chiropractic scope of practice, unless the chiropractor is also licensed in another licensed health care profession that supports the offering of those services.

Correct:                      James Jones Chiropractic Clinic

Incorrect:                  James Jones Clinic

### **Preset Appointments**

- Sending consumers preset appointment information as part of a direct mail solicitation is prohibited because it is deceptive and misleading and thus constitutes a violation of section 651.

### **Anonymous Advertising**

- To avoid allegations of misleading or deceptive advertising, chiropractor should not utilize anonymous or blind advertising, but should disclose the name of the business or chiropractor in each ad.

Correct:                      For information on how you can be helped by chiropractic, call John Doe, D.C., at John Doe Chiropractic, (123) 123-4567.

Incorrect:                  If you have a back problem, call 123-4567.

## **Educational Credentials, Schools, and Programs**

- Use of the title Dr. is generally viewed by consumers as indicating medical expertise. Thus, doctors of chiropractic in advertising must include either the degree designation D.C., or the word chiropractor in order to avoid allegations of misleading or deceptive advertising.
- Chiropractors should not list job title abbreviations, such as letters after a name, because consumers could be misled into believing the letters represent an academic degree or credential.

## **Association Membership**

- Although B&P Code section 651 permits listing association membership in an advertisement, it is acceptable only so long as the listing is not in violation of some other provision of the law.

## **Board Certification**

- If an advertisement refers to a chiropractor's Board certification, the advertisement should indicate specifics, written in a manner that is easily understood by the consumer.

## **Regarding Licensure**

- A license number consists of an alphabetical prefix and numerical suffix; i.e., "DC-1234". Chiropractors who advertise are encouraged to assist consumers by including the license numbers in advertisements. When providing license numbers in public communications, it is important to include the alphabetical prefix. **Omission of the prefix results in an incomplete license number, which is viewed as misleading or deceptive advertising.**

## **National Advertising**

- National advertising in California publications should be in compliance with California law and standards.

## **Yellow Pages Advertising**

- Yellow page advertising must be in compliance with advertising law.

## **How to Evaluate Your Own Advertising**

- When preparing advertising copy, ask yourself two questions about each statement or phrase. First, ask yourself if the statement is true. If the answer is no or not exactly, you must rewrite the statement until you can answer yes. Once you can answer yes, the statement is absolutely true, you should ask yourself if there is any way someone else could interpret it to mean something other than what you intended. If the answer is yes or maybe, you must rewrite the statement until you are certain it cannot be misinterpreted.